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PREFACE TO THIRD EDITION.

A THIRD EDITION of this little work is called for at a time when I think it will be peculiarly acceptable on account of the recent constitution of a separate Honours Examination. I have carefully reconsidered my advice throughout, and amended and added to it where it appeared desirable; and if my efforts are appreciated as heretofore I shall be content. I have added at the end of the book two short Appendices, the first containing practical information as to the Examination, a Summary of Regulations as to the new Honours Examination, and information as to Special Prizes; and the second consisting of a reprint of an Essay by myself on 'The Study of the Law for the Profession of a Solicitor,' which was published in the first number of the *Law Students' Journal*, viz. on 1st January, 1879.

J. I.

22, CHANCERY LANE, LONDON,
February, 1880.



SELF-PREPARATION FOR THE FINAL EXAMINATION.

THOUGH the examination for admission as a solicitor cannot well be considered a hard one, yet I believe of the number of articled clerks who each term present themselves for it, the majority have considered it advisable to read with some gentleman who makes it his object to prepare students for it, and of those who obtain prizes and certificates, from my experience I am sure that the decided majority have done so. That this should be the case is not to be wondered at, law being a study unlike all others, and, by reason of statutes and decisions, varying continually; and I believe all who have been "coached" for their examination will frankly acknowledge that it has benefited them, some by having thus been enabled to acquire the requisite amount of knowledge in a shorter time than they could otherwise have done, and others

by having an amount of knowledge that they possessed systemized and made useful. I myself have always believed in the advantage to be derived by a student reading with a law tutor, and the experience gained since I first commenced to prepare students for examination (some seven years ago), and their success, has fully confirmed me in my opinion.

But some articled clerks are from various circumstances prevented from reading with any one, and I am convinced that very many of them would be glad of a little assistance in their (necessarily) self-preparation. It is to the end of furnishing such assistance that I write these few pages, which may perhaps be also kindly received by some who refrain from "coaching," though they might, if they chose, take advantage of it.

In the first edition of this work, I only attempted to guide students for the last four months previous to their examination, leaving it to their discretion what books they would read until then; but I had so many inquiries as to the books to be read before that time, that in these pages I now firstly give my advice on the course to be taken immediately after passing the Intermediate Examination, and then, secondly, deal with the course of reading for the four months before the Examination.

*1stly.—As to the course of reading generally after passing
the Intermediate Examination.*

I will take the student to have passed this examination at the exact centre point of the ordinary period of five years, so that he has left him two years and a half before the final ordeal, and two years and two months before taking up the strict course of somewhat harder reading that will be presently given. I would not advise the student to recommence reading directly after the Intermediate, but to rest awhile from his studies, and he will then turn to them with a fresh zest, or at any rate with less distaste than he might feel, did he immediately recommence reading. Let us take the period of rest as two months, and we then have exactly two years of general reading left us. I say general reading, because I want to impress upon students that my view of a correct course of reading is to read at first somewhat widely, and then as the time of the Examination approaches to condense that reading. I will also take it, that for the Intermediate very little reading has been done by the student, beyond the books prescribed for that examination, and as at the time of writing this edition the work is

"Stephen's Commentaries on the Laws of England," if he has read them thoroughly he has done a great deal.

The following, then, is a summary of the work I recommend to be done during these two years:—

PRINCIPLES OF COMMON LAW.

Broom's Commentaries on the Common Law.

Smith's Leading Cases.

Indermaur's Principles of the Common Law.

PRINCIPLES OF EQUITY.

Snell's Principles of Equity.

White and Tudor's Leading Cases in Equity.

PRINCIPLES OF CONVEYANCING AND REAL PROPERTY.

Williams on Real Property, or Deane's Principles of Conveyancing.

Williams on Personal Property.

Smith's Compendium of Real and Personal Property.

The Dissertations in Prideaux's Precedents in Conveyancing.

Tudor's Leading Conveyancing Cases.

PRACTICE OF THE COURTS.

Indermaur's Manual of Practice, together with reference to some good edition of the Judicature Acts and Rules, say, "Wilson's" or "Griffith's."

MISCELLANEOUS.

Analysis of Statutes (*a*).

BANKRUPTCY.

Ringwood's Principles of Bankruptcy.

CRIMINAL LAW.

Harris's Principles of Criminal Law, or Book VI. of
Stephen's Commentaries.

PROBATE AND DIVORCE.

Bedford's Guide.

ADMIRALTY AND ECCLESIASTICAL LAW AND PRACTICE.

Eustace Smith's Summary of the Law and Practice
in Admiralty.

Eustace Smith's Summary of the Law and Practice
in Ecclesiastical Law (*b*).

The foregoing will, I think, quite occupy the student
during the two years, and I should recommend reading in
the following order; but there is no reason against any
one altering the order to please himself, as there is no
particular virtue in it.

(*a*) See list of Statutes to be analysed, *post*, pp. 31-39.

(*b*) This work is not yet published, but will, I am informed,
appear almost directly, and be in the same style as the one on
Admiralty by the same author.

1. Broom's Commentaries.
2. Smith's Leading Cases.
3. Smith's Compendium.
4. Tudor's Conveyancing Cases.
5. Snell's Principles of Equity.

This I calculate will about take up the first year, if the works are read properly.

6. White and Tudor's Leading Cases.
7. The Dissertations in Prideaux's Conveyancing.
8. Williams on Real Property, or Deane's Principles of Conveyancing.
9. Williams on Personal Property.
10. Indermaur's Principles of the Common Law.
11. Indermaur's Manual of Practice.
12. The works mentioned on the subjects of Bankruptcy, Criminal Law, Probate and Divorce, and Admiralty and Ecclesiastical Law.

In addition to these at the beginning of the second year, let the student commence the analysis of statutes, and continue it gradually, not devoting any special days for that purpose, but every now and then analysing one or two, and so gradually carrying it on until he has been through the whole list, which are set out in a subsequent page (*a*). The way in which they should be analysed

(*a*) *Post*, pp. 31-39.

is this:—Get a commonplace book, and in reading the statute do not write it out word for word, but shorten as much as possible; again, judgment must be used as to what part of the statute to analyse, for some sections may be of no importance, or at any rate of but very little importance. When such an analysis is finished, the student, besides having impressed, it is to be hoped, a quantity of law on his memory, has also a valuable book to constantly refer to in his subsequent reading which will save him much time, and indeed altogether assist him.

This brings me to the subject of the advisability of taking notes whilst reading. Whether notes should be taken depends chiefly on the nature of the book; on Broom's Commentaries I do not recommend notes, because it is in every sense an easy book, and with regard to all the other books, except the books of Leading Cases and Smith's Compendium, I do not recommend notes, because the works are in themselves small, and are not, in my opinion, books that can be very usefully noted. It must also be remembered that taking notes occupies some additional time, and there is always the chance that the student, instead of committing the matter to his memory, commits it but to the paper, and there it remains. Smith's Compendium, however, should certainly be noted, because it is a hard book, containing much information,

and one that from its size the student cannot afford the time to read again before his examination. The Leading Cases should also be carefully noted, and in this way—first the decision should be stated, and where it would appear advisable from any peculiarity, the facts also; and then afterwards any special points relating to the subject. The student, however, in taking notes of the cases, may save himself a great deal of time and trouble by purchasing two small books by myself, viz., "An Epitome of Leading Common Law Cases," and "An Epitome of Leading Conveyancing and Equity Cases;" as in the first will be found a short note of the different decisions in Smith's Leading Cases, and in the second a short note of those in Tudor's Conveyancing Cases and White and Tudor's Equity Cases. Whilst reading the large volumes he should have the small ones by his side, and compare the two, and add to the cases in the epitomes any notes of his own that he thinks advisable.

As to the amount of time that it will be necessary to devote to reading during these two years to get through my list of books, I think if the student begins at two hours a day, and gradually increases that time so as for the last six months of the two years to be doing four hours a day, he will find that sufficient. However, some read quickly, some slowly, and if the student cannot get through all my list, let him leave unread those books that are given again

for the last four month's reading ; and for those who feel a capacity for more work, I would say, "Do not branch off into books of a wider nature, for I have given you scope enough ; it is not a great extent of knowledge that you want for your examination, but rather a *thorough* knowledge of a limited extent, and if you have time turn back to and read again those books which you feel most deficient in." Other students may not have read regularly through my course, but may yet wish to read before the final four months ; and to them I say, "Select from the list I have given you such works as I have not given to be again read for the last four months." These remarks will, I trust, be sufficient guidance as to what books to read for students only articled for three or four years.

With regard to Bankruptcy, Criminal, Probate and Divorce, Admiralty and Ecclesiastical Law, the student will remember that they are all non-essential subjects. I have put them down on the assumption that the student is going to take up everything. If, however, he does not desire to attempt honours, of course he may omit them. I would here take the opportunity of saying a few words with reference to these non-essential subjects, and the mode in which the examination is at the time of writing conducted. In the examination week there are three days devoted to the Final ; on the Tuesday and the morning of the Wednesday are set papers on the essential

subjects, and on the afternoon of the Wednesday are set papers on the remaining subjects. Then on another day (usually the Friday) comes the Honours Examination, embracing, at present, four papers, three on the essential subjects, with Bankruptcy united with the Common Law paper, and one on the other subjects. There is no use in students who are simply trying for a pass going in for the Honours Examination. As to the Pass Examination, every one should clearly understand that Common Law, Equity, and Conveyancing, are still the only essential subjects, and that the student may pass by simply taking these up, and not going in at all on the afternoon of the second day. Of course all students who are going in for the separate Honours Examination will go in on this afternoon as well, and it is still strongly advisable for those who are simply trying to pass to do also; for supposing they pass in two essential subjects, and are somewhat deficient in one, if not too bad, the marks in their extra subjects may materially assist them in obtaining a pass. I desire here to express my advice to pass students to always take up one, and if possible two, extra subjects, and let one always be Bankruptcy, as that is practically the most important, and I believe it also so considered by the Examiners. It is true, I think, that even for the Honours Examination these non-essential subjects are not of that importance the others are—except perhaps

Bankruptcy—and some students may prefer leaving these subjects till the last four months of reading. Still I recommend a much earlier slight acquaintance with them all.

2ndly.—As to the strict course of reading for the Examination.

This will have brought the student to within four months of his final examination. If he is going to read with any one, the period which I think, generally speaking, it is *sufficient* for him to go for, provided he has read fairly before, is three months, and I myself have now for some time past fixed my classes to commence three months before each examination, though I also usually have some commence with me a month earlier. Therefore if the student intends being coached, and considers the three months sufficient, he has an extra month during which he can go over any of the books he chiefly feels a weakness in; but if not, the time of direct reading I will fix at the four months, and in the same way, as far as possible, as if the student had come to read with me, I will here endeavour to assist him in reading by himself, premising that I consider the same course will apply generally, whether the student has read much or little before, whether he has gone through my course previously given, or has read independently of it or has

not read at all. Supposing he has read much, he needs now to condense his knowledge; if little, or not at all, he must, perforce, keep to a confined space. But, remember, I do *not* recommend a student to leave his reading to the last few months, but only wish to help him when he has done so, whilst on the other hand, I *do* recommend reading through most part of the articles, and then adopting the following course for final preparation. Here and there in it doubtless alterations may be made to suit individual students, but generally, I believe, it will be found applicable.

The following will comprise the whole work during the period of the four months:—

**PRINCIPLES OF CONVEYANCING AND THE LAW OF REAL
AND PERSONAL PROPERTY.**

Williams on Real Property, or Deane's Principles of Conveyancing.

Williams on Personal Property.

Eustace Smith's Summary of the Law of Companies.
Cases. Statutes.

Hallilay's Digest of Examination Questions.

PRINCIPLES OF COMMON LAW.

Indermaur's Principles of the Common Law.

Cases. Statutes.

Hallilay's Digest of Examination Questions.

PRINCIPLES OF EQUITY.

Snell's Principles of Equity, or Smith's Manual of Equity.

Cases. Statutes.

Hallilay's Digest of Examination Questions.

PRACTICE OF THE COURTS.

Indermaur's Manual of Practice.

Also in each of the above branches the written questions and answers on pp. 40-56.

BANKRUPTCY.

Ringwood's Principles of Bankruptcy, and Bedford's Guide to Bankruptcy.

CRIMINAL.

Harris's Principles of Criminal Law, or Stephen's Commentaries, Book VI., and Purkis's Guide to Criminal Law. If, however, Harris has been read before, Purkis will be sufficient, with reference occasionally to Harris.

PROBATE AND DIVORCE.

Bedford's Guide.

ADMIRALTY AND ECCLESIASTICAL LAW AND PRACTICE,
Eustace Smith's Summary of the Law and Practice
in Admiralty.

Eustace Smith's Summary of the Law and Practice in Ecclesiastical Law.

With reference to the above, let me explain, firstly, as to the written questions and answers. With my pupils, for a considerable portion of the time they are with me, I give at each meeting a paper of questions, which they are to do by carefully looking into and getting themselves up in the subject, and then writing out the answers, which I afterwards go through with them. The objects of this are twofold: Firstly, to impress points on the memory; and, secondly, to give practice in the mode of answering. To carry this out as far as possible, there will be found at pp. 40-56, thirty Common Law, fifty Conveyancing and Equity, and twenty Practice questions, which I have carefully selected from the papers I am, as I said, in the habit of giving to my pupils. The Conveyancing and Equity questions I purposely place together, as the subjects often border closely on each other.

As to Statutes, if the student has done my previous course during his articles, he will have a complete analysis; and if he has not, there are some which even now it is advisable to get up by analysis, either because they do not very clearly and fully appear in any of the text-books used, or perhaps only disconnectedly, or perhaps are difficult to impress on the memory, while there are others that appear sufficiently from the text-books, and need now no further getting up, but merely that the reference should be remembered, e.g., the statute

De Donis, or the statute of *Quia Emptores*. Therefore in each month I have given statutes to be analysed by those students who have not done my former course, and those who have should again particularly refer to these and thoroughly learn their contents. The references to all or the majority of the statutes given in the complete list should also now, if possible, be committed to memory, together with dates where they are given.

As to Cases, doubtless a student does not at all require to remember a list of them to pass, though it is not so very seldom that the examiners ask a direct "case question," but there are two advantages at any rate to be derived from them by all; for in the first place, apart from remembering the names of particular cases, they teach general principles and particular points of law (*a*): and secondly, also, if the student remembers only a moderate number properly, it will be hard if they are not of some use to him at the Examination. I recommend cases to all, and for high honours their advantage in their proper place cannot be overrated. I do not wish that the reading should be overburdened with too many, so I have given in each of the first three months a certain number

(*a*) It is for this reason that a number of my questions are founded on the leading cases, and therefore in the references of where the answer is to be found I refer to the book, not to the case.

carefully selected, all which are strictly leading cases, which (as the time is short) should be read from my Epitomes, reference being only made to the large works when further explanation is needed.

Now to apportion out the work during the time. We have four months :—

FIRST MONTH.

- Williams on Real Property or }
Deane's Principles of Conveyancing }
Williams on Personal Property.
Indermaur's Principles of the Common Law.
Ringwood's Principles of Bankruptcy.

The following Statutes to be analysed :—

29 Car. 2, c. 3, ss. 1-4, 7, 17.

9 Geo. 4, c. 14.

39 & 40 Geo. 3, c. 98.

1 Will. 4, c. 40.

1 Will. 4, c. 46.

37 & 38 Vict. c. 37. }

1 Vict. c. 26.

6 & 7 Vict. c. 85.

14 & 15 Vict. c. 99.

32 & 33 Vict. c. 68.

40 & 41 Vict. c. 11.

42 Vict. c. 11.

6 & 7 Vict. c. 96.
8 & 9 Vict. c. 106. }
40 & 41 Vict. c. 33. }

The following Cases to be read and noted :—

<i>Addison v. Gandesequi,</i>	Indermaur's Epit of C. L. Cases.
<i>Paterson v. Gandesequi,</i>	
<i>Thompson v. Davenport.</i>	
<i>Calye's Case,</i>	
<i>Coggs v. Bernard,</i>	
<i>Collins v. Blantern,</i>	
<i>Elwes v. Mause,</i>	
<i>Price v. Lord Torrington,</i>	
<i>Higham v. Ridgway,</i>	
<i>Keech v. Hall,</i>	
<i>Moss v. Gallimore,</i>	
<i>Lampleigh v. Braithwaite.</i>	

Questions 1 to 30 (see pp. 40-44), to be answered in writing, first thoroughly looking up the point, and then writing out the answer, without referring again to the book. References where the answers may be found are given after each question.

It is hardly necessary to say that throughout the course the questions are meant to be done gradually, and the statutes and cases are not to be read all at once, but a few at a time, with the text-books.

The average time of reading this month to get through the above work, will, I think, be from five to six hours; but in stating the time here and in the subsequent months, it must not be thought that I fix it rigidly at those times; I only *estimate* that it will take about the time given with average readers.

SECOND MONTH.

Snell's Principles of Equity, or Smith's Manual of Equity.
Indermaur's Manual of Practice.

Williams on Real Property, or Deane's Principles of Conveyancing, for second time.

Harris's Principles of Criminal Law and Purkis's Guide.

First half of Hallilay's Digest of Examination Questions.

(Those questions and answers on practice may mainly be omitted, as I consider my Manual of Practice sufficient without, if read thoroughly and carefully, and references occasionally made.)

The following Statutes to be analysed :—

- | | |
|---------------------------------|---|
| 9 & 10 Vict. c. 93. | } |
| 27 & 28 Vict. c. 95. | |
| 14 & 15 Vict. c. 25. | } |
| 38 & 39 Vict. c. 92, ss. 51, 53 | |

- 17 & 18 Vict. c. 113. }
 30 & 31 Vict. c. 69. }
 40 & 41 Vict. c. 34. }
 19 & 20 Vict. c. 97.
 20 & 21 Vict. c. 57.
 33 Vict. c. 14.
 33 & 34 Vict. c. 28.

The following Cases to be read and noted :—

- | | | |
|-------------------------------------|---|--|
| <i>Lickbarrow v. Mason,</i> | } | Indermaur's
Epit.
of C. L. Cas. s. |
| <i>Mitchell v. Reynolds,</i> | | |
| <i>Six Carpenters' Case,</i> | | |
| <i>Twynne's Case,</i> | | |
| <i>Lewis Bowles' Case,</i> | } | Indermaur's
Epit.
of Con. & Eq. Cas. |
| <i>Fletcher v. Ashburner,</i> | | |
| <i>Earl of Aylesford v. Morris,</i> | | |
| <i>Bassett v. Nosworthy,</i> | | |
| <i>Cuddee v. Rutter,</i> | | |
| <i>Lady Elibank v. Montolieu,</i> | | |
| <i>Murray v. Lord Elibank,</i> | | |
| <i>Garth v. Cotton,</i> | | |

Questions 31 to 70 (see pp. 45-51), to be answered in writing as before (a).

The average time of reading for this month I estimate at from six to seven hours.

(a) See *ante*, p. 23.

THIRD MONTH.

Snell's Principles of Equity, or Smith's Manual of Equity,
for second time.

Eustace Smith's Summary of the Law of Companies.

Indermaur's Principles of the Common Law, for second time.

Conclude Hallilay's Digest.

(Practical parts may be omitted as before.)

Bedford's Guide to Bankruptcy.

Bedford's Guide to Probate and Divorce.

Indermaur's Manual of Practice, for second time.

The following Statutes to be analysed :

22 & 23 Vict. c. 35.

23 Vict. c. 38.

23 & 24 Vict. c. 145.

30 & 31 Vict. c. 48.

31 Vict. c. 4.

32 & 33 Vict. c. 62. }

41 & 42 Vict. c. 51. }

34 Vict. c. 13.

33 & 34 Vict. c. 93. }

37 & 38 Vict. c. 50. }

————— c. 57.

————— c. 62.

————— c. 78.

38 & 39 Vict. c. 79.

38 & 39 Vict. c. 87.

————— c. 91.

39 & 40 Vict. c. 81.

40 & 41 Vict. c. 18.

————— c. 39.

41 Vict. c. 13.

————— c. 19.

41 & 42 Vict. c. 31.

————— c. 33.

————— c. 38.

42 & 43 Vict. c. 49.

The following Cases to be read and noted :—

Glenorchy v. Bosville,

Cadell v. Palmer,

Griffiths v. Vere,

Hulme v. Tenant,

Lake v. Gibson,

Lansdowne v. Lansdowne,

Penn v. Lord Baltimore,

Richardson v. Langridge,

Robinson v. Pett,

Shelly's Case,

Sury v. Pigot,

Topham v. Duke of Portland,

Tullett v. Armstrong,

Indermaur's
Epit.
of Con. & Eq. Cas.

Question 71 to 100 (see pp. 51-56), to be answered in writing as before (a).

The average time of reading for this month I estimate at seven hours.

FOURTH MONTH.

Hallilay's Digest, for second time.

(Practical parts may be omitted as before.)

Indermaur's Manual of Practice, for third time.

Eustace Smith's Summary of the Law of Companies, for second time.

Bedford's Guide to Bankruptcy, for second time.

Bedford's Guide to Probate and Divorce.

Purkis's Guide to Criminal Law, for second time.

Eustace Smith's Summary of the Law and Practice in Admiralty.

Eustace Smith's Summary of the Law and Practice in Ecclesiastical Law.

If time permit a reperusal of Hallilay's Digest, or special portions of it (b).

Read up generally questions and answers previously written out.

(a) See *ante*, p. 23.

(b) It is a good plan for the student in going through this work to mark questions of a special or difficult nature, so as easily to be able to turn to them again.

Also look up cases previously read and noted.

Go through Statutes, and commit references to memory.

(See complete List of Statutes, *post*, pp. 31-39.)

The average time of reading for this month I estimate at eight hours.

This, then, concludes my final course of reading. If students will observe my first course, and then still more attentively work according to my plan for the last four months, they will at any rate be in that position in which they can go in for their examination without any fear of being "postponed"; and if they have really read in that way, well and carefully, they ought to be able to go up with all hope and expectation of honours. If the student has left his reading to the last four months entirely, if he will yet read according to my final course steadily, though he must not expect anything more, he ought yet to have every prospect of passing. Some I hope will follow my advice throughout, though probably more will only look to it for the last four months, for there are, I fear, but comparatively few students who will follow out a regular plan for nearly two years and a half. For a period of four months better things may be hoped, and in trusting that many who through choice or necessity read by themselves may find help in these few pages, I would conclude by adding emphatically that I do not

for a moment profess that they will serve as well as actually going to read with some one in the habit of preparing students, for I consider the personal assistance of a law tutor of value in all cases.

LIST OF STATUTES.

(See hereon, ante, pp. 11, 12, 13, 29.)

I.—CONVEYANCING AND EQUITY.

13 Edw. 1, c. 1	.	<i>De Donis.</i>
18 Edw. 1, c. 1	.	<i>Quia Emptores.</i>
27 Hen. 8, c. 10	.	<i>Statute of Uses.</i>
13 Eliz. c. 5	.	<i>Fraudulent Dispositions.</i>
27 Eliz. c. 4	.	<i>Voluntary Conveyances.</i>
12 Car. 2, c. 14	.	<i>Abolishing Feudal Tenures.</i>
29 Car. 2, c. 3	.	<i>Statute of Frauds.</i>
4 Geo. 2, c. 28	.	<i>Landlord and Tenant.</i>
9 Geo. 2, c. 36	.	<i>Mortmain.</i>
34 Vict. c. 13	.	,, (<i>Public Parks Act</i>).
11 Geo. 2, c. 19	.	<i>Landlord and Tenant.</i>
39 & 40 Geo. 3, c. 98	.	<i>Thellusson's Act.</i>
9 Geo. 4, c. 94	.	<i>Resignation Bonds.</i>
1 Will. 4, c. 40	.	<i>Undisposed of Residue.</i>
— c. 46	.	<i>Illusory Appointments.</i>
37 & 38 Vict. c. 37	.	
2 & 3 Will. 4, c. 71	.	<i>Prescription Act.</i>

3 & 4 Will. 4, c. 74 . . *Fines and Recoveries Act.*

————— c. 104 . . *Debts.*

————— c. 105 . . *Dower.*

(Only as to the dower of women married since the 1st of
January, 1834.)

3 & 4 Will. 4, c. 106 . . *Inheritance.*

(Only as to descents on or since the 1st of January, 1834.)

1 Vict. c. 26 *Wills Act.*

(Only as to Wills made or revived on or since the 1st of
January, 1838.)

1 & 2 Vict. c. 110 . . . } *Judgments.*
27 & 28 Vict. c. 112 . . . }

(29th July, 1864.)

8 & 9 Vict. c. 106. . . . *Real Property Amendment.*
(1st October, 1845.)

8 & 9 Vict. c. 112. . . . *Satisfied Terms.*

10 & 11 Vict. c. 96 *Trustee Relief Act.*

12 & 13 Vict. c. 26 *Defects in Leases under Powers.*

13 & 14 Vict. c. 60 *Trustee Act, 1850.*

14 & 15 Vict. c. 25 *Agricultural Fixtures and Em-
blements.*

38 & 39 Vict. c. 92, ss. 51 and 53. . . . } *Agricultural Holdings Act.*

17 & 18 Vict. c. 113

30 & 31 Vict. c. 69 } *Mortgages and Vendors' Liens.*

40 & 41 Vict. c. 34

18 & 19 Vict. c. 43	<i>Infants Settlement Act.</i>
20 & 21 Vict. c. 57	<i>Married Women's Reversionary Interests.</i>
22 & 23 Vict. c. 35	<i>Lord St. Leonards' Act.</i>
23 Vict. c. 38 .	<i>Amendment thereof, &c.</i>
23 & 24 Vict. c. 145	<i>Lord Cranworth's Act.</i>
25 & 26 Vict. c. 89	
30 & 31 Vict. c. 131	
40 & 41 Vict. c. 26	
42 & 43 Vict. c. 76	
25 & 26 Vict. c. 108	<i>Trustees' Power as to selling Land, reserving Minerals.</i>
30 & 31 Vict. c. 48	<i>Auctions.</i>
— c. 132 .	<i>Investment of Trust Funds.</i>
31 Vict. c. 4 .	<i>Sales of Reversions.</i>
(1st January, 1868.)	
31 & 32 Vict. c. 40	
39 & 40 Vict. c. 17	
32 & 33 Vict. c. 46	<i>Partition.</i>
(As to persons dying after the 1st of January, 1870.)	
33 Vict. c. 14 .	<i>Naturalisation Act, 1870.</i>
33 & 34 Vict. c. 93	<i>Married Women's Property Act.</i>
(9th August, 1870.)	
37 & 38 Vict. c. 50	<i>Amendment thereof.</i>
36 & 37 Vict. c. 66	<i>Judicature Act, 1873.</i>
37 & 38 Vict. c. 57	<i>Real Property Limitations Act.</i>
(1st January, 1879.)	

- 37 & 38 Vict. c. 78 . *Vendors and Purchasers Act.*
 38 & 39 Vict. c. 77 . *Judicature Act, 1875.*
 _____ c. 87 . *Land Transfer Act, 1875.*
 _____ c. 91 . *Trade Marks Registration Act,*
 1875.
 40 & 41 Vict. c. 18 . *Leases and Sales of Settled
Estates.*
 _____ c. 33 . *Contingent Remainders.*
 42 & 43 Vict. c. 78 . *Supreme Court of Judicature
(Officers) Act, 1879.*

II.—COMMON LAW.

- | | | | | |
|------------------------|---|---|---|---------------------------|
| 21 Jac. 1, c. 16 . | . | } | <i>Limitation.</i> | |
| 3 & 4 Will. 4, c. 27 . | . | | | |
| _____ c. 42 . | . | | | |
| 37 & 38 Vict. c. 57 . | . | | | |
| 29 Car. 2, c. 3 . | . | | <i>Statute of Frauds.</i> | |
| 1 & 2 Geo. 4, c. 78 . | . | | } | <i>Bills of Exchange.</i> |
| 18 & 19 Vict. c. 67 . | . | | | |
| 41 Vict. c. 13 . | . | | | |
| 6 & 7 Geo. 4, c. 94 . | . | | } | <i>Factors' Acts.</i> |
| 5 & 6 Vict. c. 39 . | . | | | |
| 40 & 41 Vict. c. 39 . | . | | | |
| 9 Geo. 4, c. 14 . | . | | <i>Lord Tenterden's Act.</i> | |
| 1 Will. 4, c. 68 . | . | | <i>Carriers.</i> | |
| 17 & 18 Vict. c. 31 . | . | | „ <i>(Railway and Canal
Traffic Act.)</i> | |

1 & 2 Will. 4, c. 58	<i>Interpleader.</i>
6 & 7 Vict. c. 85 .	
14 & 15 Vict. c. 99 .	}
32 & 33 Vict. c. 68 .	Evidence.
42 Vict. c. 11 .	
6 & 7 Vict. c. 96 .	<i>Libel.</i>
9 & 10 Vict. c. 93 .	<i>Lord Campbell's Act.</i>
27 & 28 Vict. c. 95 .	<i>Amendment thereof.</i>
16 & 17 Vict. c. 59 .	<i>Forged Indorsements on Cheques.</i>
19 & 20 Vict. c. 97 .	<i>Mercantile Law Amendment Act, 1856.</i>
26 & 27 Vict. c. 41 .	}
41 & 42 Vict. c. 38 .	Innkeepers.
28 & 29 Vict. c. 60 .	<i>Dogs—Scienter.</i>
— c. 86 .	<i>Partnership Act.</i>
30 & 31 Vict. c. 142 .	<i>County Courts Act, 1867— Costs.</i>
31 & 32 Vict. c. 54 .	<i>Judgment Extension Act.</i>
32 & 33 Vict. c. 62 .	}
41 & 42 Vict. c. 54 .	Debtors Act, 1869, and Amend- ment thereof.
33 & 34 Vict. c. 28 .	}
37 & 38 Vict. c. 68 .	Solicitors.
38 & 39 Vict. c. 79 .	
33 & 34 Vict. c. 30 .	<i>Garnishee Orders.</i>
34 & 35 Vict. c. 79 .	<i>Lodgers' Goods Protection Act.</i>
37 & 38 Vict. c. 62 .	<i>Infants' Relief Act.</i>
41 & 42 Vict. c. 31 .	<i>Bills of Sale.</i>

- 41 & 42 Vict. c. 33 . *Dentists.*
 42 & 43 Vict. c. 19 . *Habitual Drunkards Act.*
 _____ c. 59 . *Civil Procedure Acts Repeal
Act, 1879.*

III.—BANKRUPTCY.

- 32 & 33 Vict. c. 71 . *The Bankruptcy Act, 1869.*
 34 & 35 Vict. c. 50 . *Bankruptcy Disqualification
Act, 1871.*

IV.—CRIMINAL.

- 4 & 5 Will. 4, c. 36 . *Central Criminal Court.*
 6 & 7 Vict. c. 96 . { *Libel.*
 8 & 9 Vict. c. 75 . }
 11 Vict. c. 12 . *Treason Felony Act.*
 11 & 12 Vict. c. 78 . *Crown Cases Reserved.*
 14 & 15 Vict. c. 100 . *Amendments of Indictments.*
 22 & 23 Vict. c. 17 . { *Vexatious Indictments.*
 30 & 31 Vict. c. 35 . }
 24 & 25 Vict. c. 94 . *Accessories.*
 _____ c. 96 . *Larceny, &c.*
 _____ c. 97 . *Malicious Injuries to Prop-
erty.*
 _____ c. 98 . *Forgery.*
 _____ c. 99 . *Coinage Offences.*
 _____ c. 100 . *Offences against the Person.*

- 25 & 26 Vict. c. 88 . *Forgery of Trade Marks.*
- 26 & 27 Vict. c. 103 . *Servant taking Master's Corn
to feed Master's Horses.*
- 27 & 28 Vict. c. 47 . *Penal Servitude not less than
Five Years.*
- 28 Vict. c. 18 . *Evidence.*
- 31 & 32 Vict. c. 116 . *Larceny and Embezzlement by
Partner.*
- 33 & 34 Vict. c. 23 . *Forfeitures for Treason and
Felony abolished.*
- 33 & 34 Vict. c. 52 } . { *Extradition Act, 1870, and
36 & 37 Vict. c. 60 } . { *Amendment thereof.**
- 34 & 35 Vict. c. 31 . *Trade Union Act, 1871.*
- 40 & 41 Vict. c. 14 . *Evidence.*
- 41 & 42 Vict. c. 73 . *Territorial Waters Act.*
- 42 Vict. c. 1 . *Spring Assize Act, 1879.*
- 42 & 43 Vict. c. 18 . *Racecourse Licensing Act,
1879.*
- c. 22 . *Prosecution of Offences Act,
1879.*
- c. 34 . *Children's Dangerous Per-
formance Act, 1879.*
- c. 49 . *Summary Jurisdiction Act,
1879.*
- c. 55 . *Prevention of Crime Act,
1879.*

V.—PROBATE AND DIVORCE.

- 20 & 21 Vict. c. 77 . . . *The Court of Probate Act, 1857.*
 21 & 22 Vict. c. 56 . . . *The Confirmation and Probate Act.*
 21 & 22 Vict. c. 95 . . . *Court of Probate Act, 1858.*
 24 & 25 Vict. c. 114 . . . *Wills of Personal Estate made by British Subjects.*
 20 & 21 Vict. c. 85 . . . *Divorce and Matrimonial Causes Act, 1857.*
 21 & 22 Vict. c. 93 . . . *Legitimacy Declaration Act, 1858.*
 41 Vict. c. 19 . . . *Matrimonial Causes Act.*

VI.—ADMIRALTY.

- 3 & 4 Vict. c. 65 . . . *Admiralty Practice and Jurisdiction.*
 17 & 18 Vict. c. 104 . . . *Merchant Shipping Act, 1854.*
 24 Vict. c. 10 . . . *Admiralty Court Act, 1861.*
 25 & 26 Vict. c. 63 . . . *Merchant Shipping Amendment Act, 1862.*
 30 & 31 Vict. c. 124 . . . *Merchant Shipping Amendment Act, 1867.*
 31 & 32 Vict. c. 71 . . . *County Courts Admiralty Jurisdiction Act.*
 32 & 33 Vict. c. 51 . . . *County Courts Admiralty Jurisdiction Amendment Act.*

VII.—ECCLESIASTICAL LAW.

- | | |
|-------------------------------|---|
| 31 Eliz. c. 6 | <i>Simony.</i> |
| 3 & 4 Vict. c. 86 | <i>The Church Discipline Act.</i> |
| 34 & 35 Vict. c. 43 | <i>The Dilapidations Act, 1871.</i> |
| ————— c. 44 | <i>The Incumbents Resignation
Act, 1871.</i> |
| ————— c. 45 | <i>Sequestration Amendment Act,
1871.</i> |
| 37 & 38 Vict. c. 85 | <i>The Public Worship Regulation
Act, 1871.</i> |

LIST OF QUESTIONS.

TO BE ANSWERED AS EXPLAINED *ante*, pp. 20, 23.

I. COMMON LAW.

1. What is meant by a warranty, and what are the different remedies on its breach?

(Indermaur's Principles of the Common Law,* 84, 85.)

2. State the cases in which a person may still be imprisoned for debt.

(*Ib.*, 297-300.)

3. State what things are privileged (a) from distress, and (b) from execution?

(Indermaur's Epit., 4th ed., 29.)

4. What constitutes a partnership? State very shortly the provisions of 28 & 29 Vict. c. 86, on this subject.

(Indermaur's Principles of the Common Law, 110, 111.)

5. In what different ways may a partnership be dissolved, and when will the Court decree a dissolution?

(*Ib.* 113, 114.)

6. What is the leading case on the liability of inn-

* The pages of this work refer to the first edition. A second edition is however in course of preparation and will shortly appear.

keepers? State shortly how their liability has been lessened by legislation.

(Indermaur's Epit., 4th ed., 9.)

7. Define a lien. Do you know any case in which it is not merely a passive right?

(Indermaur's Principles of the Common Law, 78; 41 & 42 Vict. c. 38.)

8. Explain stoppage *in transitu*. How may the right be lost.

(Indermaur's Principles of the Common Law, 79.)

9. What is necessary to constitute a valid guarantee, and how may it be put an end to?

(*Ib.*, 40–41.)

10. Distinguish between primary and secondary evidence, and state when the latter is admitted.

(*Ib.*, 374.)

11. When is an entry by a deceased person of some fact admissible in evidence in proof thereof? Distinguish between the cases of *Price v. Earl of Torrington* and *Higham v. Ridgway*.

(Indermaur's Epit., 4th ed., 22, 23.)

12. What is it necessary to prove to entitle the plaintiff to succeed in an action for damages for the bite of a dog?

(Indermaur's Principles of the Common Law, 271–273.)

13. State generally when a master will be liable (a) on contracts entered into by his servant, and (b) for injuries committed by his servant.

(Indermaur's Principles of the Common Law, 162, 163.)

14. Define and distinguish between libel and slander, shewing when it is necessary for the plaintiff, to enable him to obtain a verdict, to prove special damage.

(*Ib.*, 303, 312, 315.)

15. When will an agreement which operates in restraint of trade be valid? Can part of such agreement be allowed to be good, and the remainder only bad?

(Indermaur's Epit., 4th ed., 27, 28.)

16. To enable a person to give evidence, what religious belief on his part was necessary, and how has this been now altered?

(*Ib.*, 31, 32.)

17. What will be the effect (a) of a creditor appointing his debtor executor; and (b) of a debtor appointing his creditor executor?

(Williams' Pers. Ppy., 10th ed., 370, 372.)

18. What is meant by fixtures? What right of removing fixtures have tenants by common law and by statute?

(Indermaur's Principles of the Common Law, 55-57.)

19. A person having stolen a bank note or a bill of exchange, passes it to another *bona fide* and for valuable consideration. Can the person from whom it was stolen recover it from him?

(Indermaur's Epit., 4th ed., 33.)

20. In what different ways may a cheque be crossed? Explain the object of crossing a cheque "not negotiable."

(Indermaur's Principles of the Common Law, 141.)

21. To enable the owner of a bill to sue the drawer, is it always necessary that notice of its dishonour should have been given to him?

(Indermaur's Epit., 4th ed. 48.)

22. If two or more persons make a joint and several promissory note, and to prevent the operation of the Statute of Limitations, one of them acknowledges the debt, or makes a part payment, will this acknowledgment or part payment by one prevent the statute running as against the other or others?

(9 Geo. 4, c. 14, s. 1 ;

19 & 20 Vict. c. 97, s. 14.)

23. What are the requisites of a simple contract?

(Indermaur's Principles of the Common Law, 27.)

24. What are the differences between bills of exchange and promissory notes, and other simple contracts?

(*Ib.*, 135, 136.)

25. If a lease is made which is void under the Statute of Frauds, has the lessee any, and what, tenancy, and by what terms does he hold?

(Indermaur's Epit., 4th ed., 51.)

26. What is the nature of the contract of life assurance, and how does it differ from the contract of fire assurance?

(Ib. 55, 56.)

27. Give a short general statement of the liability of agents on contracts entered into for their principals.

(Ib., 59-61.)

28. What is the general rule as to the nature of the damages that can be shewn in an action? Illustrate your answer by reference to the case of *Hadley v. Baxendale*.

(Ib., 68.)

29. State shortly the law as it at present stands, on the subject of crossed cheques.

(Indermaur's Principles of the Common Law, 139-141.)

30. State shortly the law as to a husband's liability on his wife's contracts when she is living separate and apart from him.

(Indermaur's Epit., 4th ed., 62-64.)

II. CONVEYANCING AND EQUITY.

31. Give a concise statement of the past and present laws as to the effect of judgments on land.

(Prideaux's Convayg., 9th ed., vol. i., 150–161; Deane's Principles of Convayg., 133–137.)

32. What is the position of a purchaser in respect of judgments entered up since 27 & 28 Vict. c. 112?

(Prideaux's Convyg., 9th ed., vol. i., 160, 161 ;
Deane's Principles of Convyg., 136.)

33. A debtor contracts to sell his lands. Before completion can a judgment creditor take his lands in execution?

(Prideaux's Convvg., 9th ed., vol. i., 159.)

34. What is the title to be shewn to lands which have been the subject of an exchange?

(*Ib.*, vol. i., p. 8;
8 & 9 Vict. c. 106, s. 4.
8 & 9 Vict. c. 118, s. 147.)

35. What is the limit to the creation of executory interests? (Undermaur's Expt. 3rd ed. 18.)

(Indermaur's Epit., 3rd ed., 18.)

36. What are the periods allowed by 39 & 40 Geo. 3, c. 98, for the accumulation of income? What is the result of a direction to accumulate income exceeding the period thus allowed?

37. Give a short summary of the law as to Mortmain.

(Deane's Principles of Conveyg., 121-129.)

38. What title must be shewn to tithes? and what to allotments under an Inclosure Act?

(Prideaux's Conveyg., 9th ed., vol. i., 7.)

39. Is a covenant not to assign without license a usual covenant in a lease?

(*Ib.*, vol. ii., 18.)

40. A lessee covenants not to assign without license, and afterwards becomes bankrupt. Does the lease pass to the trustees?

(*Ib.*)

41. Define an easement. How may an easement be extinguished?

(Indermaur's Epit., 3rd ed., 8.)

42. What will amount to a sufficient reduction into possession by the husband of the wife's choses in action?

(Prideaux's Conveyg., 9th ed., vol. ii., 158.)

43. Is a husband entitled to curtesy out of any and which of the following properties: (a) A reversion or remainder; (b) an equity of redemption; (c) a trust estate; (d) an estate limited to a wife for her separate use?

(*Ib.*, vol. ii., 155.)

44. Under a power of appointment amongst children, the appointor appointed part to children and part to grandchildren. Is such appointment good?

(Indermaur's Epit., 3rd ed., 13.)

45. Give an outline of the different parts of an ordinary marriage settlement of real estate.

(See Precedents in Prideaux's Convgy.)

46. Also of personal estate.

(*Ib.*)

47. State the rules for construction of testamentary gifts to children.

(Indermaur's Epit., 3rd ed., 25.)

48. A. makes his will, bequeathing £1000 to B., his son. B. makes a will, containing a general bequest, and dies during A.'s life, leaving issue. A. afterwards dies without revoking his will. What becomes of the legacy?

(1 Vict. c. 26, s. 33;

Prideaux's Convgy., 9th ed., vol. ii., 386.)

49. What is meant by a lapse? If a legacy is to one "and his executors, &c.," will this prevent a lapse? What is the effect of a declaration in a will that a legacy shall not lapse? What alteration has been made by statute in the law as to lapses?

(Indermaur's Epit., 3rd ed., 28;

1 Vict. c. 26, ss. 32 and 33.)

50. On a sale, how do you prove the following:—
(1) Discharge from land tax; (2) Inrolled deeds; (3) Bankruptcy proceedings; (4) Recoveries; (5) Fines; (6) Descents; (7) Intestacy; and (8) Payment of succession duty?

(Prideaux's Convyg., 9th ed., vol. i., pp. 137–142.)

51. State the distinctions between executed and executory trusts, and illustrate your answer by reference to the case of *Lord Glenorchy v. Bosville*.

(Indermaur's Epit., 3rd ed., 35.)

52. A trustee renews a lease in his own name after a refusal of the lessor to renew for the benefit of the *cestui que trust*. Can he hold such renewed lease for his own benefit? State the reason.

(*Ib.*, 40.)

53. What is the liability of a purchaser to see to the application of the purchase-money? Does this apply to a sale of leaseholds?

(22 & 23 Vict. c. 35, s. 23;

23 & 24 Vict. c. 145, s. 29;

Indermaur's Epit., 3rd ed., 44.)

54. What is the difference between the contribution of sureties at law and in equity?

(Indermaur's Epit., 3rd ed., 46.)

55. Illustrate the maxim of "Equality is Equity" by reference to the case of *Lake v. Craddock*.

(Indermaur's Epit., 3rd ed., 33, 34.)

56. What is the effect of sections 30 and 31 of the Wills Act (1 Vict. c. 26); and what was the rule previously?

(Jarman on Wills, 3rd ed., vol. ii. 296.)

57. A. pays the purchase-money of certain property, and takes a conveyance in the name of B. Does B. take the property beneficially? Would it make any difference if B. were the child of A.?

(Indermaur's Epit., 3rd Ed., 48.)

58. When will Equity relieve in the case of defective execution of a power?

(*Ib.*, 15.)

59. Will Equity relieve in the case of non-execution of a power? and if so, when?

(*Ib.*)

60. State the law as to illusory appointments.

(1 Will. 4, c. 46;

37 & 38 Vict. c. 37.)

61. A power of jointuring was executed in favour of a wife, but with an agreement that the wife should receive part as an annuity for her own benefit, and the residue to

be applied in payment of the husband's debts. Is this a good execution of the power?

(Indermaur's Epit., 3rd ed., 13, 14.)

62. A. makes an assignment of a *chase in action* to B., who does not give notice of the assignment. A. becomes bankrupt. Is the assignment good against the trustee in bankruptcy?

(Prideaux's Convyg., 9th ed., vol. i., pp. 501.)

63. When does a mortgage of fixtures require registration under the Bills of Sale Act, 1878? Does a mortgage of growing crops require registration?

(*Ib.*, vol. i., 735, 736.)

64. What is the best mode of framing a bill of sale? Give the chief alterations as to bills of sale made by the 41 & 42 Vict. c. 31.

(*Ib.*, vol. i., 757, 731.)

65. What is the effect of a stipulation in a bill of sale that it shall extend to after-acquired property?

(*Ib.*, vol. i., 757-759.)

66. What debts, incurred by a married woman, bind her separate estate? Will a bond do so?

(Indermaur's Epit., 3rd ed., 57.)

67. What is meant by the wife's "equity to a settle-

ment"? If there was a settlement on the marriage, will the wife have any further equity to a settlement? Does the right extend in any and what way to the children of the marriage?

(*Ib.*, 55, 56.)

68. What words will be sufficient to give a separate estate to the wife? Will a gift to a woman "for her sole benefit" confer on her a separate property?

(Snell's Principles of Equity, 5th ed., 349.)

69. Will the Court of Equity ever, and if ever when, decree specific performance of a parol contract?

(*Ib.*, 530.)

70. Of what nature must contracts be for which an action will lie for specific performance? Illustrate your answer by reference to the case of *Cuddee v. Rutter*.

(Indermaur's Epit., 3rd ed., 68.)

71. Explain and illustrate the maxim of "Where the equities are equal the law shall prevail" by reference to either the case of *Bassett v. Nosworthy* or *Marsh v. Lee*.

(*Ib.* 62-64.)

72. A lessee covenants to pay "all taxes." Must he pay the property tax?

(Prideaux's Conveyg., 9th ed., vol. ii., pp. 16, 17.)

73. Lands in a register county were settled by a deed which was not registered. They were then settled on a second marriage, but with notice of the former settlement, and the second settlement was registered. Which of the two settlements is to be preferred, and why?

(Indermaur's Epit., 3rd ed., 77.)

74. A parent gives a legacy of £1000 to his child, and afterwards, on the child's marriage, advances him £500. Does this affect the legacy in any way?

(Indermaur's Epit., 3rd ed., 83.)

75. A settlement on marriage contains the usual covenant to settle after-acquired property. The wife is an infant at the time. What will be the effect of the covenant?

(Prideaux's Convig., 9th ed., vol. ii., p. 187.)

76. Does a covenant to settle after-acquired property of the wife bind property given to her separate use?

(*Ib.*)

77. If an agreement is entered into upon the supposition of a right, and it afterwards turns out that the right is on the other side, is the agreement binding? What is the general rule as to agreements entered into to save the honour of a family?

(Indermaur's Epit., 3rd ed., 90.)

78. When trustees or executors join in signing a receipt what is the inference as to receiving the money, and can such inference be rebutted? Is there any difference in such a case between the position of trustees and executors?

(Indermaur's Epit., 3rd ed., 92.)

79. Gift by will to a class as joint tenants. One of the class attests the will. What is the effect of this?

(1 Vict. c. 26;

Prideaux's Convyg., 9th ed., vol. ii., 358.)

80. When, as a general rule, will words of recommendation or wish in a will be held to create a trust?

(Indermaur's Epit., 3rd ed., 14;

Snell's Principles of Equity, 5th ed., 103–109.)

III. PRACTICE.

81. How do you commence proceedings (a) in the Common Law Divisions, (b) in the Chancery Division?

(Indermaur's Manual of Practice, 29, 92.)

82. State the consequence of a defendant not appearing (a) in the Common Law Divisions, (b) in the Chancery Division.

(*Ib.*, 39, 92.)

83. Explain, with regard to Common Law matters, what is meant by proceeding under Order XIV.

(*Ib.*, 43.)

84. The like question as to Chancery matters with regard to Order xv.

(See Order xv.)

85. Give some of the chief alterations in pleadings introduced by the Judicature Acts.

(Indermaur's Manual of Practice, 45, 47.)

86. Sketch the different proceedings in an action throughout in the Common Law Division.

(Ib., part II.)

87. With reference to the preceding question, state what additional proceedings usually take place in Chancery matters.

(Ib., part III.)

88. How is evidence taken both at the trial and on interlocutory proceedings (a) in the Common Law Divisions, (b) in the Chancery Division ?

(Ib., 73, 94, 110.)

89. What is the object of giving notices to produce and to inspect and admit respectively ?

(Ib., 71, 72.)

90. Upon what terms may a trial be postponed ?

(Ib., 77.)

91. Explain the following expressions :—Short notice of trial, withdrawing a juror, nonsuit, judgment *quando acciderint*.

(Ib., 70, 77, 86.)

92. What are the different modes of enforcing a judgment or order?

(*Ib.*, 81, 86.)

93. When may a plaintiff be compelled to give security for costs?

(*Ib.*, 66.)

94. How do you procure the evidence of (a) a witness in Scotland or Ireland, (b) a witness in France, (c) a witness in Canada, (d) a witness in custody on civil process, (e) a witness in custody on criminal process?

(*Ib.*, 73, 74.)

95. With regard to Chancery practice, explain what is meant by a cause being heard "short," and state when it may be so heard.

(*Ib.*, 97.)

96. Is the Chief Clerk's certificate in Chancery proceedings absolutely binding on the parties, or how may it be appealed against?

(*Ib.*, 103, 104.)

97. Give an instance of commencing proceedings by petition, motion, and summons respectively.

(*Ib.*, part III., ch. 5.)

98. Explain the difference between a *distringas* and a *stop order*.

(*Ib.*, 113, 131.)

56 SELF-PREPARED FOR FINAL EXAMINATION.

99. After the certificate of the Chief Clerk in Chancery proceedings, how is the cause brought to a conclusion ?

(Ib., 115.)

100. Within what time, and how, must an appeal be brought from judgments and orders of the Court ?

(Ib., 133, 134.)

APPENDIX A.

GENERAL INFORMATION.

THE remaining (a) Solicitors' Final Examinations throughout the year 1880 will take place on 13th and 14th April, 15th and 16th June, and 9th and 10th November. Candidates may be examined after the expiration of their articles, or, where their articles expire between 10th January and 15th April, at the January examinations ; when between 14th April and 22nd May, at the April examination ; when between 21st May and 2nd November, at the June examination ; and when between 1st November and 11th January, at the November examination. Forty-two days' notice to the secretary of the Incorporated Law Society is necessary, and the fee is £5 ; a renewed notice must be given fourteen days before the date of the examination, and in this case the fee is £2 10s. At the time of the notice being given, articles, and any assignment thereof, or supplemental articles, with the preliminary certificate or evidence of exemption thereof, and the intermediate certificate and answers to questions as to due service and conduct up to that time, must be left at the office of the Incorporated Law Society. The subjects of the examination are :— 1. Principles of Law and Procedure ; (a.) In matters usually determined or administered in the Chancery Division of the High Court of Justice ; (b.) In matters usually determined or administered in the Queen's Bench, Common Pleas,

(a) The January Examination was held on 13th and 14th January last.

and Exchequer Divisions of the High Court of Justice; 2. Principles of the Law of Real and Personal Property and the Practice of Conveyancing; 3. The Law and Practice of Bankruptcy; 4. Criminal Law and Practice, and Proceedings before Justices of the Peace; 5. The Law and Practice of the Probate, Divorce, and Admiralty Division of the High Court of Justice, and Ecclesiastical Law and Practice. *The subjects numbered 3, 4, and 5 are, however, optional.*

SUMMARY OF REGULATIONS AS TO SOLICITORS' HONOURS EXAMINATION AND SPECIAL PRIZES.

(As lately published by the Law Society.)

HONOURS.

(Rules, 28 March, 1879.)

NOTICE of the desire of a candidate to compete for honours (which are confined to candidates under 26 years of age) must be given when he gives notice of final examination.

The examination for honours will be held at the Hall of the Incorporated Law Society in the same week as the Final Examination, and as a general rule on the Friday in those weeks respectively.

The subjects for the Honours Examination will be the same as those specified for the Final Examination.

Candidates considered deserving of honorary distinction at the Honours Examination will be arranged in three classes, viz. :—

Class 1. The candidates will be arranged in order of merit, and each of them will receive a prize in addition to his class certificate.

Class 2. The candidates will be arranged alphabetically, and each of them will receive a class certificate.

Class 3. The candidates will be arranged alphabetically, and each of them will receive a class certificate.

The names of all candidates who attain honorary distinction will be printed in the Annual Report of the Incorporated Law Society.

At each Honours Examination the following prizes will be awarded, if the standard justifies the issue of a first-class list of candidates :—

Prize.	Value.
Clement's Inn Prize	£10 10 0
Clifford's Inn Prize	5 5 0
New Inn Prize	5 5 0
Law Society's Prize (as many as may be required)	5 5 0 each.

The value of each prize will be expended in the purchase of legal, historical, or constitutional works, to be selected by the prizeman. They will be bound at the Society's expense and stamped with its arms.

SPECIAL PRIZES.

The following prizes will be awarded according to the result of the *Honours* Examination during the year, viz.:—

The Beardon Prize.—Being the dividend on £3333 6s. 8d. Consolidated Bank Annuities. Open to all candidates under 26 years of age who shall have served under articles of clerkship in England or Wales. Awarded by the Council to the candidate passing one of the Final Examinations who shall have obtained honorary distinction, and shown thereat, or at any subsequent Special Examination held for the purpose, such acquaintance with the theory, principles, and

practice of the law, as shall, in the opinion of the Council, entitle him to the prize.

The Scott Scholarship.—Being the dividend on £1265 preferential 4½ per cent. London, Brighton, and South Coast Railway Company's Stock (1863). Open to all candidates who shall have entered into articles of clerkship in England or Wales, without regard to age or period of service of clerkship, and is tenable for one year.

The Scholarship is awarded by the Council, at or after the Final Examination in each Michaelmas Term, to the candidate who in that term, or in Hilary, Easter, or Trinity Terms preceding, shall have passed such Final Examination, and who, from his acquaintance with the theory, principles, and practice of law, shall, in the opinion of the Council, be best entitled to the Scholarship.

The Broderip Gold Medal.—Purchased with the dividend on £333 6s. 8d., £3 per cent. Reduced Annuities. Awarded after Michaelmas Term in each year, and open to those candidates who shall not have completed their twenty-sixth year at the time of passing their examination, and who shall have been examined in the then current year, and considered by the council to be first in order of merit, and having shown themselves best acquainted with the Law of Real Property and the practice of Conveyancing, and having otherwise passed a satisfactory examination, and to whom honorary distinction shall have been awarded.

The following special prizes are of a local character :—

Mr. Timpron Marten's Gold Medal, for Liverpool candidates. Being the dividend on £237 12s. 6d., £3 per cent. Consols. Open to those candidates only who are not above 25 years of age at the time of passing their examination, and who have been originally articled to an attorney or solicitor, or firm of attorneys or solicitors, carrying on business in Liverpool, and have passed not less than two-thirds of the entire

period of service under their articles of clerkship in that town.

The medal is awarded, after Michaelmas Term in each year, to the candidate reported to the Council by the Examiners as having passed the best examination during the year, and obtained honorary distinction.

Mr. John Atkinson's Gold Medal for Liverpool and Preston candidates. Being the dividends on £105, £4 per cent. perpetual debenture stock in the London and North Western Railway Company. Open to those candidates who are not above 25 years of age at the time of passing their examination, and who have been originally articled to an attorney or solicitor, or firm of attorneys or solicitors, carrying on business in Liverpool or Preston, and have passed not less than two-third parts of the entire period of their service under their articles of clerkship in one of those towns.

The medal is awarded, after Michaelmas Term in each year, to the candidate who shall be considered by the Council to be first in order of merit, and having shown himself best acquainted with the Law of Real Property and the Practice of Conveyancing, and having otherwise passed a satisfactory examination, and being entitled to honorary distinction.

The Birmingham Law Society's Gold Medal, value £10, for Birmingham candidates. Open only to those candidates who have been originally articled to an attorney or solicitor practising in Birmingham, and who have passed at least two-thirds of their term of service under articles in Birmingham, and who are under the age of 26 at the time of their Final Examination.

The medal is awarded, after every Michaelmas Term, to the candidate who shall be reported by the Council as having been declared by the Examiners to be first in order of merit among the candidates examined in the current year, and recommended by the Examiners as entitled to honorary

distinction, and to whom on such recommendation the Council have awarded one of their prizes, or one of the prizes of the Inns of Chancery placed at their disposal.

The Stephen Heelis Prize, for Manchester and Salford candidates. Being the dividends on £423 14s. 8d., bank annuities. Open to candidates originally articled (who have not completed their twenty-sixth year at the time of the examination) to an attorney or solicitor, or firm of attorneys or solicitors, carrying on business in the city of Manchester or municipal borough of Salford, and have passed not less than two-third parts of the entire period of service under their articles of clerkship in that city or borough.

The medal is awarded, after Michaelmas Term in every year, to the candidate reported to the Council (by the Examiners) as having passed the best examination during the year as entitled to a prize or a certificate of honorary distinction.

APPENDIX B.

THE STUDY OF THE LAW FOR THE PROFESSION OF A SOLICITOR.*

It is my object under this heading to deal with the general course of the studies of a Solicitor's articled clerk, for the purpose of arriving at an answer to the question whether the course of such studies can be called satisfactory. I trust at some subsequent time to deal with education for the Bar, but I prefer first to take this subject, as, in my opinion, calling much more for observation and amendment than the other.

The profession or business of a Solicitor is, it cannot be denied, one of very great importance, for the solicitor has frequently matters of great weight devolving on him; great confidence is placed in him, and he has to advise not only on questions of law, but on matters of policy and discretion, often more difficult to deal with than mere questions of law. It is true that in most matters of law it has become the fashion to consult Counsel, but it must be remembered that at any rate the Solicitor has, in the first instance, to see the point involved, and to place it before Counsel, and also that on him the great practical work falls of getting up a case coming before the Court, and instructing Counsel. The Solicitor, therefore, should essentially be not merely a man acquainted with the theory of the law, but with a practical mind, and the studies to fit him for his profession must necessarily appertain both to practice and theory.

* Being an Essay by the Author reprinted from the *Law Students' Journal* of 1st January, 1879.

I may fairly commence with the student just articled, without going here into the subject of his education prior to articles, merely premising that though it often turns out that men of little or no education make excellent Solicitors, yet that, in my opinion, the higher the education received by the student prior to his articles the better for him, and the more likely he is to turn out a success. Also that though there may possibly be cases in which it is right to even dispense with the simple preliminary examination, yet the fewer of those cases that occur the better, and it is open to great doubt in my mind whether, indeed, that examination ought ever to be dispensed with. However, we will pass this point, and turn to the direct course of legal studies, or rather the direct courses open to the articled clerk for obtaining that proficiency which is to fit him to be the adviser of others—in fact to act as a Solicitor.

The courses plainly open to the student are five, viz. :—
(1) Observation and practical work in his principal's office ;
(2) Reading ; (3) Public lectures and classes ; (4) Law Student Societies ; and (5) Private instruction.

The first course is a plain and manifest one, for it is only natural and necessary that anyone who aspires to practise as a Solicitor must see how that practice is carried on, both in its general idea and in its detail, for it would be absurd to place anyone, however well acquainted with the theory of the law, in the position of a practising Solicitor without his knowing something of the method of conducting and acting in his profession. I would, therefore, put, as the first and most important study of an articled clerk, to thoroughly initiate himself into practical details ; to begin at the very lowest step of the ladder, and not to think any detail too trivial to be attended to, for, as to build a house, we must have a foundation, so also to properly act in the highest points of practice it is necessary to be grounded in the

lowest. Fortunate, indeed, is the articled clerk who has both the inclination to thoroughly master all matters of practice and the means of doing so. As to inclination, there is no need for me to say anything. We all know that we may take a horse to the water, but can't compel him to drink; and so, unless the student desires, he will not do much good; but my observation as to the means demands explanation.

Firstly, it may happen that the articled clerk is unfortunate enough to get into an office where there is not much practice to be seen. This, however, rarely happens, for Solicitors without practice do not, as a rule, get articled clerks.

Secondly, instead of being ever put to real practice he is kept always at routine and drudgery, and never employed otherwise. Mind, I do not say that this often happens, but that it does happen I know, and that it ever should is wrong in the principal, as being unjust to the student, for though right and proper that at first he should get his hand in at copying and other elementary work, yet, as time goes on, he should be gradually elevated, and not kept continuously as at first.

Thirdly, he may be in an office where, though there is ample practice, yet no one takes the trouble to initiate him into it, and assist him at first. I know how much truth there is in this as regards a great mass of articled clerks, particularly those placed in large offices. Too often the principal, in receiving the articled clerk into his office, seems to consider that his whole duty is done, that he has earned the premium paid by allowing him a seat in his office, and that a good providence will wait on him, and some magical influence in the office, work him in due course of time into the practical Solicitor. The regular clerks have their own respective duties to perform, and do not care to

look after him, and in fact do not, and so the student is thrown on his own resources. He may pick up stray crumbs of practice if he will, and he may turn out all right; but, on the contrary, he may turn out all wrong, and at the end of his time know next to nothing about practice. I would forcibly call the attention of principals to this crying evil of not attending to their articled clerks, but leaving them to turn out as they may; but, at the same time, I do not want my remarks construed in too general and sweeping a sense. Some Solicitors do their duty by their articled clerks thoroughly, but I incline to the opinion that the majority do not,

The practice seen by the student in the country and in London of course differs much in its nature, and he is most fortunate who sees both. I would strongly advocate all articled clerks passing a portion of their time in London, if they will come up with the determination to work there, but, alas! too many of them—I may say the majority—come up, but don't work there, in the proper sense of the word "work." The reason is, of course, partly due to the fact that the London agent, to whose office the student goes, does not care whether he does any work or not; he is allowed a seat in the office, but that is all; he goes in and out as he likes, and little or no notice is taken of him; but the blame is often more with the student than the Solicitor here, for is it seldom that the country articled clerk comes up as with rejoicing from the trammels of the country for a brief season of enjoyment, and takes his last year out in London excitements? Then, again, there is the fact that the last period of the articled clerk must be almost exclusively given to reading, and really the time a country articled clerk ordinarily spends in a London office is not sufficient to give him a good insight into practice. It is not easy to suggest the remedy, but what occurs to me is that it would be an improvement if

country articled clerks were allowed to come up to London agents' offices without any assignment of articles for a longer period—say eighteen months, or even two years; and I am not at all sure but that it would be an improvement to make it an actual necessity for a certain portion of the student's time to be passed in London. If this were so, we should not so often hear the outcry made by country articled clerks—and made, at present, with justice—against a very practical examination.

Reading must, of course, be placed side by side with practical work. No man can become a good lawyer without a fair amount of reading of the laws, in the same way that no one can become a good practical lawyer by books only; in fact reading the theory of the law, and acting in its practice, constitute the gist of an articled clerk's means of acquiring proficiency in his profession, and the other means which I have mentioned are merely ancillary to these. In dealing generally with the study of the law, I cannot here go into the details of the books which should be perused—in fact, to do so would only be to re-write what I have already written in my 'Self-Preparation for the Final Examination,' to which any of my readers who want assistance on this point are referred. Suffice it to say that up to the time of his Intermediate Examination the student's course is marked out for him by the examiners, who determine on what books he is to be examined, and up to this time I do not recommend going very much beyond those works; afterwards let the student widen his range of reading, and gradually, as the time of his Final Examination approaches, let him focus and condense what he has previously read.

Passing now from the two essentials of being in a Solicitor's office and of reading, I come next to the means open to students of public lectures and classes. I use the word "public" to distinguish this means of acquiring knowledge from what I

have styled "private instruction," and its chief instance is furnished in those lectures and classes in London under the auspices of the Incorporated Law Society. Lectures in themselves are good, and, when united with classes founded on the subject of those lectures, they are very good. But the disadvantage of lectures is the impossibility of making them suit all hearers, of whom some are necessarily more advanced than others : parts of the lecture are too elementary for some, and parts too advanced. Then again the essential of a good lecture is a good lecturer, which essential does not always exist at the Incorporated Law Society, or anywhere else ; for instance, the lecturers do not seem always chosen for their lecturing capabilities, and then again, and above all, the earnest attention of students is necessary, and from some one or more of the circumstances I have hinted at, it often turns out that the time devoted to lectures is wasted. Yet altogether I would say, even taking this means with its defects, it may prove useful, and had better be followed when opportunity occurs, at any rate to some limited extent.

Law students' societies, in my opinion, form a most useful means of education for students. It is not merely that they are useful in enabling one to acquire fluency in speech, but they teach self-reliance and self-confidence ; form an incentive to the looking up of legal points from time to time, thus enabling the student to acquire, almost unwittingly, some legal knowledge, and they bring students in contact with one another, and cause a general interchange of ideas, to say nothing of their being often the origin of useful acquaintanceships and friendships throughout one's professional career. They now exist very extensively throughout the kingdom, and the more they exist, and the more they are used, the better. Every law student who has the opportunity of joining one should do so, and not merely join it, but use its advantages properly, looking up the questions for dis-

cussion at debates with care, and speaking on these subjects as often as he can, and in doing so let him endeavour to discuss the points in question with as much earnestness as if they were real actual cases in which he was concerned, and by doing so, insensibly, considerable legal knowledge must be acquired. Law students' societies too, form a pleasant change from other studies, partaking indeed of relaxation, and often furnishing an interest to those unable to feel any in the more ordinary course of study.

Private instruction forms the last, but I hardly think the least important, means that I have mentioned for acquiring the necessary amount of knowledge; and by private instruction, of course, I mean what passes sometimes by the name of "coaching," or "cramming." But my expression of "private instruction" is a comprehensive term, embracing both the foregoing, and a great deal more, and whether the private instruction resolves itself into the one or the other, or something more, depends upon the student himself. It is, of course, now common enough for law students to go for a few months, prior to their examinations, to one of the many law tutors; and I think there are but few principals who would not recommend such a course to their articled clerks. Being, myself, one of those who read with students for their examinations, it might be considered invidious were I to dwell too much on, and advocate too strongly, this means of acquiring knowledge; but I am, nevertheless, forced to say something of it in treating of the present subject. Were all students industrious and apt at law, and did all principals devote themselves a great deal to them in directing their studies, and—I must add—were they all competent to do so, which they naturally are not, there would be but little need of "coaches." But as this state of things is not, and cannot be, coaches must exist, for by them the industrious and well-read student is, as it were, pointed off and completed, the

nervous made somewhat confident, and those who know but little are enabled to reach successfully the goal of their studies. Of course it is a pity that there are those who, as I have mildly put it, "know but little," yet let one not be hard on them; some nature has not intended for lawyers, and many are not so sinning as sinned against in the details of a system of education for the law, which, instead of educating them, leaves them not educated.

Let no one think I am advocating a system of cramming, and depending on a short course of private instruction. I am doing nothing of the sort; but I say that it is a means that should, if possible, be taken advantage of by all law students, and let them be well or badly up in their studies, they ought to benefit by it. I derived benefit from it myself, and I never knew anyone yet who did not.

I must conclude my subject, which space has permitted me but to deal with in a most general way; and from what I have written I wish to throw out as my conclusion, that our means for the education of solicitors is not satisfactory—is not, in fact, as it should be. The best mode of improvement I do not propose to deal with here, for it is a subject open to much discussion, and demanding a separate consideration; but in the meantime I would suggest that all principals would do well to remember they have a duty to perform towards their articled clerks, and that the latter should take advantage to the fullest of the several means which exist, and which I have pointed out, for acquiring proficiency in their profession.

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